



Atty. Dkt. No. 054446-0105

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brad DUESLER

Title: METHOD AND APPARATUS  
FOR BEVERAGE  
MERCHANDISING

Appl. No.: 10/679,705

Filing Date: 10/03/2003

Examiner: Cassandra Hope Davis

Art Unit: 3611

<p><b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Rick L. Abegglen</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>June 14, 2005</u> (Date of Deposit)</p>
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**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	7	-	20	=	0	x	\$50.00	=	\$0.00
Independent Claims:	5	-	5	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:							+	\$360.00	= \$0.00
CLAIMS FEE TOTAL									= \$0.00

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 14, 2005

By



FOLEY & LARDNER LLP  
Customer Number: 23524  
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Rick L. Abegglen  
Attorney for Applicant  
Registration No. 47,371



Atty. Dkt. No. 054446-0105

**IN THE UNITED STATES PATENT AND**

Applicant: Brad DUESLER

Title: METHOD AND APPARATUS  
FOR BEVERAGE  
MERCHANDISING

Appl. No.: 10/679,705

Filing Date: October 3, 2003

Examiner: Cassandra Hope Davis

Art Unit: 3611

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><u>Rick L. Abegglen</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>June 14, 2005</u> (Date of Deposit)</p>
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**AMENDMENT AND REPLY**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam or Sir:

This communication is responsive to the Non-Final Office Action that was mailed May 23, 2005 concerning the above-referenced patent application. This response is being filed less than three months from the mailing date of the Office Action, so it is believed to be timely without extension.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 5 of this document, including a statement regarding the substance of the telephonic interview of June 3, 2005 discussed in the Office Communication mailed June 10, 2005.

Please amend the application as follows: